IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

Crl.Rev.Pet.No. 4269 of 2006(C)

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CRL.A. NO. 98/2005 OF THE ADDL.SESSIONS JUDGE, FAST TRACK COURT (ADHOC II) , PATHANAMTHITTA.
S.T.NO. 117/2003 OF CJM COURT, PATHANAMTHITTA.

REVN. PETITIONER: APPELLANT/ACCUSED:

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M.D.ALEYAMMA,
MELEKAITHELIL HOUSE, VADASSERIKKARA P.O.,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.PHILIP M.VARUGHESE

RESPONDENTS: COMPLAINANT & STATE:

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1. M/S.SREE NARAYANA TRADERS AND FINANCIERS LIMITED,THAVALATHIL BUILDINGS,PATHANAMTHITTA,REP. BY ITS M.D. M.K.DIVAKARAN,MINI SADANAM,KANNAMKARA, PATHANAMTHITTA,M.D. IS REP.BY ITS P/A.HOLDER, M.K.VARADARAJAN, MANAPPALLIL, PRAMADOM,MALLASERY (MANAGER SREENARAYANA TRADERS AND FINANCIERS LTD).

2. STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

R2 BY PUBLIC PROSECUTOR SRI RAVINDRA BABU.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 05/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**K.R. UDAYABHANU, J.**

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**CRL.R.P. NO. 4269 of 2007**

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**Dated this the 5th day of June, 2007**

**ORDER**

The revision petitioner stands convicted for the offence under section 138 N.I.Act and sentenced to undergo simple imprisonment for one month and to pay a fine of Rs.1,30,000/- and in default to undergo simple imprisonment for three months. Out of the fine amount, Rs.1,20,000/- is to be given to PW-1 vide section 357 (3) Cr.P.C as compensation. The revision petitioner has only sought for modification of the sentence and time to pay the amount.

2. In the circumstances, the sentence is modified to imprisonment till the rising of the court and to pay a compensation of Rs.1,20,000/- to PW-1 and in default, to undergo simple imprisonment for 3 months. The revision petitioner is granted six months' time from today onwards to pay the amount of compensation. The revision petitioner shall appear before the Chief Judicial Magistrate, Pathanamthitta on 5-12-2007 to receive the sentence.

NBW pending, if any, is to be kept in abeyance till then.

The Crl.R.P is disposed of accordingly.

K.R.UDAYABHANU,JUDGE.

Kvm/